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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/626,593

07/25/2003

Hisashi Nakagomi

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EXAMINER

FERGUSON, KEITH

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/626,593

Applicant(s)

NAKAGOMI, HISASHI

Examiner

Keith T. Ferguson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a):
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rydbeck et al. in view of Molne, newly recited reference.

Regarding claim 1, Rydbeck et al. discloses a mobile telephone (communication terminal) (fig. 1 number 100) capable of utilizing plurality of radio communication services respectively provided by a plurality of radio communication systems establishing shared radio communication system (col. 1 line 61 through col. 2 line 6 and col. 2 lines 35-66), comprising: hardware processing (controller) (160) for performing common hardware processing necessary for utilizing the radio communication services (col. 2 lines 35-66 and col. 3 line 12 through col. 4 line 63); an communication module (IC card) that stores a plurality of communication software packages necessary for the respective radio communication services (col. 2 lines

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35-66 and col. 3 line 5 through col. 4 line 63); software selection unit that selects one communication software package out of the communication software packages stored in the IC card (col. 3 lines 5-48), which one corresponds a communication and software executing unit that executes the selected communication software package (col. 3 lines 5-48). Rydbeck et al. differs from claim 1 of the present invention in that it does not disclose the software selection unit identifies a communication service available to the communication terminal based on customer information existing in the core network. Molne teaches a SIM (software selection unit) (fig. 2 number 2 number 41, col. 2 line 64 through col. 3 line 55 and col. 7 lines 12-64) that identifies a communication service (preferred roaming selection list which include an information field, mode and pointer/frequencies) available to the communication terminal (fig. 3 number 3) based on customer information existing in the core network (i.e. within an agreement between subscriber and network or roaming agreement) (col. 4 lines 36-64 and col. 9 lines 1-14). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rydbeck et al. communication module with in order for the mobile telephone to identify and select a network preferred by the users which provides preferred communication services based upon a service agreement which may provide a cheaper cost based upon service, as taught by Molne.

Regarding claim 2, Rydbeck et al. discloses the communication module comprises protocol information related to each network (software program relating signal Transmission/reception, a software program relating signal modulation/demodulation and software program relating to application) (col. 1 line 60 through col. 2 line 6, col. 2 lines 44-55 and col. 3 line 5 through col. 4 line 31).

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Regarding claim 3, Rydbeck et al. discloses a software acquisition that acquires another communication software package stored server (personal computer) provided in the shared communication system (col. 3 line 35 through col. 4 line 32).

Regarding claim 4, Rydbeck et al. discloses a controller and sensor (software reading unit) that reads the selected one of the communication software packages stored in the module which selected one corresponds to communication to the communication service to be utilized (col. 4 lines 33-63).

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Korpela in view of Molne, newly recited reference.

Regarding claim 5, Korpela discloses a base station (software transmitting server) (fig. 3), comprising: a store (26) (software storing) unit that stores plurality of protocol descriptions (communication software packages) respectively necessary for utilizing a plurality of communication services respectively provided by plurality radio communication systems (col. 4 line 14 through col. 5 line 8); and a software transmitting unit downloads (transmits) the stored communication software packages to a communication terminal (col. 6 line 8 through col. 7 line 3). Korpela differs from claim 5 of the present invention in that it does not disclose the software transmitting unit identifies a communication service available to the communication terminal based on customer information existing in the core network and reads out a communication software package necessary for utilizing the identified communication service for the software storing unit. Molne teaches a network that identifies a communication service

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(preferred roaming selection list)(fig. 3 number 3) based on customer information (agreement) existing in the core network (i.e. within an agreement between subscriber and network or roaming agreement)(col. 4 lines 36-64 and col. 9 lines 1-14) which can be downloaded and updated into a subscribers SIM (col. 3 lines 33-56 and col. 9 lines 1-12). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Korpela stored software with the software transmitting unit identifies a communication service available to the communication terminal based on customer information existing in the core network and reads out a communication software package necessary for utilizing the identified communication service for the software storing unit in order for the base station to download a list of preferred service providers for the communication terminal to select which provides a cheaper rate based upon an agreement between the network and mobile telephone, as taught by Molne.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Korpela in view of Rydbeck et al. and Molne, newly recited reference.

Regarding claim 6, Korpela discloses an card writing (fig. 3) apparatus, comprising: a store (software storing unit) (fig. 3 number 26 and col. 4 lines 14-67) that stores a plurality of communication software packages respectively necessary for utilizing a plurality of communication services respectively provided by a plurality of radio communication systems (col. 4 lines 57-67); and a software transmitting unit that transmits the stored communication software packages to a memory (IC card within a mobile (communication) terminal (col. 6 lines 7-46). Korpela differs from claim 6 of the present invention in that it does not explicit disclose an IC card to be attached to a communication terminal and the software writing unit identifies

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a communication service available to the communication terminal based on customer information existing in the core network and reads out a communication software package necessary for utilizing the identified communication service for the software storing unit. Rydbeck et al. teaches a mobile telephone having an attachable/detachable communication module (120) that stores protocol information for multiple wireless networks (col. 3 line 5 line 4 through col. 4 line 33). Molne teaches a network that identifies a communication service (preferred roaming selection list)(fig. 3 number 3) based on customer information (agreement) existing in the core network (i.e. within an agreement between subscriber and network or roaming agreement)(col. 4 lines 36-64 and col. 9 lines 1-14) which can be downloaded and updated into a subscribers SIM (col. 3 lines 33-56 and col. 9 lines 1-12). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Korpela with an IC card to be attached to a communication terminal and the software writing unit identifies a communication service available to the communication terminal based on customer information existing in the core network and reads out a communication software package necessary for utilizing the identified communication service for the software storing unit in order for the base station to download a network software to

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the mobile terminal memory that can be detached and attached and be used to provide a preferred service provider based upon cost, frequencies and network agreement between the network and the mobile terminal, as taught by Rydbeck et al. and Molne.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith T. Ferguson whose telephone number is (571) 272-7865. The examiner can normally be reached on 6:30am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Keith Ferguson  
November 1, 2006  
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**KEITH FERGUSON**  
**PRIMARY EXAMINER**

